

MEMORANDUM

TO: Headquarters Program Directors, Facility Superintendents, Health Officers,
Personnel Administrators, Officers and Liaisons

FROM: Janet Nugent, Director
Office of Human Resources

SUBJECT: Revised Family and Medical Leave Act (FMLA) Guide and Forms

DATE: August 6, 2010

The Department of Budget and Management (DBM) has revised its FMLA Guide and forms to reflect updates that were made to the FMLA regulations. The revised FMLA guide and forms can be accessed on the DBM website:

http://www.dbm.Maryland.gov/employees/Pages/leave_fmla.aspx

Briefly, the revised DBM FMLA Guide includes the following updates to FMLA regulations:

>>Military Family Leave Coverage under FMLA (pp. 2-3)

- (1) Military Caregiver Leave (also known as Covered Service Member Leave)—This leave allows an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member to take up to twenty-six (26) workweeks of leave in a single twelve (12)-month period to care for a covered service member with a serious injury or illness incurred in the line of active duty.
- (2) Qualifying Exigency Leave—This leave allows an eligible employee who is the spouse, son, daughter or parent of a covered service member to take up to twelve (12) workweeks of leave in a single twelve (12)-month period due to a qualifying exigency arising out of the fact that covered service member is on active duty or being called to active duty in support of a contingency operation. The categories defined as a qualifying exigency are broad and are defined in the guidelines.

>>Definition of a Serious Health Condition (pp. 5-6)—The Department of Labor has issued a final rule that provides additional detail on the definition of a serious health condition. For example, it notes that treatment for a medical incapacity must include two visits to a health care provider within thirty (30) days of the first day of incapacity and that the first visit to the health care provider must take place within seven (7) days of the first day of incapacity.

>>**Light Duty Work (pp. 7-8)**—An employee’s assignment to light duty work does not count against the employee’s FMLA leave entitlement.

>>**Treatment of Bonuses and Awards for Perfect Attendance under FMLA (p. 8)**—This update changes the treatment of perfect attendance awards to allow employers to deny a perfect attendance award to an employee who fails to have perfect attendance because he or she was on FMLA leave as long as the treatment of perfect attendance awards and bonuses is the same for those employees who were on non-FMLA leave.

>>**Employee Call-in Procedures for Absences under FMLA (pp. 11-12)**—An employee needing FMLA must follow the employer’s usual and customary call-in procedures for reporting an absence unless there are unusual circumstances.

>> **Implementation of Revised forms for the FMLA Process**—There are new forms to be used for filing FMLA requests. These forms can be accessed using the aforementioned website.

Please ensure that managers and supervisors are advised of the revised FMLA guide and forms. Should you or your staff have any questions regarding the revised DBM FMLA Guide or forms or other questions regarding the FMLA process, please contact your agency’s Personnel Officer or the DHMH Employee Relations Division at (410) 767-5466.